

United States District Court
For the Northern District of California

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5 THE ESTATE OF EVANGELINA
6 MACIAS, an individual; ANNA LAURA
7 MACIAS, MARIA DE JESUS MACIAS,
8 and VICTOR MACIAS, individually and
9 as co-successors in interest of decedent
10 Evangelina Macias,

11 No. C 14-01532 WHA

12 Plaintiffs,

13 v.

14 WASTE MANAGEMENT HOLDINGS,
15 INC., a corporation; WASTE
16 MANAGEMENT SAFETY SERVICES,
LLC, a limited liability company; and
DOES 1-50, inclusive,

17 Defendants.

18 **ORDER DENYING MOTION
TO DISMISS AS MOOT AND
VACATING HEARING**

19 On June 26, defendants filed a motion to dismiss the first amended complaint (Dkt. No.
20). On July 3, however, plaintiffs timely filed a second amended complaint, pursuant to FRCP
21 15 and in accordance with the order granting leave for such a filing (Dkt. No. 21). Because our
22 court of appeals has stated that “an amended pleading supersedes the original,” defendants’
23 motion to dismiss is **DENIED AS MOOT**. *Hal Roach Studios, Inc. v. Richard Feiner and Co., Inc.*,
24 896 F.2d 1542, 1546 (9th Cir. 1989). The hearing on August 21, 2014, is accordingly **VACATED**.
25 This is without prejudice to any fresh motion that defendants may bring to dismiss the second
26 amended complaint.

27 **IT IS SO ORDERED.**

28 Dated: July 14, 2014.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE